

Remarks

Objection to the Abstract

The Abstract section has been revised to remove claim language in accordance with Examiner's objection and in order to comply with MPEP § 608.01(b). Therefore, applicant respectfully requests withdrawal of this objection.

Objections to the Drawings

Paragraphs [000049] and [000053] have been revised to remove any reference to drawing numbers 63b or 73b. It is believed by applicant that removal of these reference numbers satisfies Examiner's objection and places the drawings in condition for allowance without amendment to the drawings. Therefore, applicant respectfully requests withdrawal of this objection without amendment to the drawings.

Examiner objected to drawing reference number 36 for lack of reference in the specification. Applicant respectfully directs Examiner's attention to the Detailed Description section of the specification which states in part, "...the handle member 32 may comprise a gripping portion 36...". (see present application, par. [000030]). Therefore, applicant respectfully requests withdrawal of this objection without amendment to the drawings.

Claim Rejections

Claims 1-20 were previously pending, of which claim 16 has been canceled, claims 1, 9-13, 15, and 17-19 have been amended, and claims 21-27 have been added. Reconsideration of presently pending claims 1-15 and 17-20 is respectfully requested in light of the above amendments and the following remarks.

Ouchi Reference

Claims 1-20 were rejected under 35 U.S.C. §102(b) as being anticipated by Ouchi (U.S. Publication 2001/0021842). As set forth at MPEP §2131, "[t]o anticipate a claim, the reference must teach every element of the claim." With respect to claims 1-20 as herein amended, this rejection is respectfully traversed.

Claim 1 requires:

a distal portion transitionable from an insertion configuration to an extraction configuration, wherein the insertion configuration is adapted for displacement along a portion of a prosthetic device, and the extraction configuration is adapted for engaging and extracting the prosthetic device, the distal portion *having a natural bias in the extraction configuration*;

In contrast, Ouchi requires the distal portion to undergo elastic deformation by forcing it to spread wider apart to be in an extraction configuration than when in the natural bias, or free state. (see Ouchi, par. [0021]). Hence, the extraction configuration of Ouchi is obtained through elastic deformation of the distal portion.

Therefore, the rejection is not supported by the Ouchi reference and should be withdrawn.

Claim 11 requires:

at least one extraction prong wherein the at least one extraction prong comprises a transverse flange, and that is adapted to be *partially elastically deformed when in an insertion configuration*;

In contrast, Ouchi discloses that the extraction prongs are in a free state before being spread wider to obtain adequate force for extraction. (see Ouchi, par. [0025]).

Therefore, the rejection is not supported by the Ouchi reference and should be withdrawn.

Amended independent claim 18 is a method version of claim 1, and therefore is allowable for the reasons indicated above.

Bauer Reference

Claims 11 and 17 were rejected under 35 U.S.C. §102(b) as being anticipated by Bauer (U.S. Patent 3,136,040). With respect to claims 11 and 17 as herein amended, this rejection is respectfully traversed.

As cited above, claim 11 requires "at least one extraction prong that includes a transverse flange...". In contrast, Bauer discloses an extraction prong with a cylindrical portion that is "transversely concaved, or arcuate in cross-section...". (see Bauer, Col. 3, lines 2-3). It is respectfully submitted that a flange is not anticipated by a concaved cylindrical portion.

Therefore, the rejection is not supported by the Bauer reference and should be withdrawn.

Dependent Claims

With respect to Ouchi, dependent claims 2-10 and 21-27 depend from, and further limit, independent claim 1 in a patentable sense and therefore should be allowable as well. Dependent claims 12-17 and 19-20 depend from, and further limit, independent claims 11 and 18 respectively, in a patentable sense and therefore should be allowable as well.

In addition to being allowable by dependency, claim 24 requires "at least two extraction prongs having a *natural bias that is the maximum height of the extraction*

configuration.” In contrast, Ouchi requires the extraction prongs to undergo elastic deformation by forcing the prongs to spread wider apart to be in an extraction configuration than when in the natural bias, or free state. (see Ouchi, par. [0021]). Thus, the extraction configuration of Ouchi is obtained through elastic deformation of the extraction prongs. For these reasons, claim 24 should be allowable.

Additionally, claim 25 merits allowance above and apart from its dependence on claim 1. Claim 25 requires “no opposing forces on the inner surfaces of the prosthetic device during extraction.” In contrast, Ouchi *requires* the extraction prongs to “spread out and exert an outward force on [the prosthetic device’s] inner surface[s].” (see Ouchi, par. [0022]). This outward, or opposing force, required by Ouchi is proscribed by the limitation of claim 25. Therefore, claim 25 should be allowable.

With respect to Bauer, dependent claim 17 depends from, and further limits, independent claim 11 in a patentable sense. In addition to being allowable by dependency, claim 17 requires a “transverse axial slot adapted to retain at least one extraction prong.” In contrast, Bauer does not disclose a “transverse axial slot adapted to retain at least one extraction prong”. Therefore, claim 17 should be allowable.

New Claims

Claims 21-27 have been added and are deemed to be patentable over the cited art.

Conclusion

An early formal notice of allowance of claims 1-15 and 17-27 is respectfully requested. The examiner is invited to call the undersigned if further assistance is necessary. Deposit account number 08-1394 can be used for any over payments or under payments.

Respectfully submitted,



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